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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 RICHARD DEAN MERTEN,

10 Plaintiff,

11 v.

12 WELDON MARK GILBERT, PIERCE
13 COUNTY JAIL, and OFFICER
GARDNER,

14 Defendants.

No. C11-5641 RBL/KLS

ORDER STRIKING NOTING DATE ON
PLAINTIFF'S MOTION TO APPOINT
COUNSEL

15 This case has been referred to United States Magistrate Judge Karen L. Strombom
16 pursuant to 28 U.S.C. § 636(b)(1) and Local Magistrates' Rules (MJR) 1, 3 and 4. This matter is
17 on hold while Plaintiff cures certain defects in his civil rights complaint. ECF No. 7. By Order
18 dated September 12, 2011, Plaintiff was ordered to amend his complaint or to show cause why it
19 should not be dismissed for failure to state a claim under 42 U.S.C. § 1983. Plaintiff was given a
20 deadline of October 7, 2011. *Id.* The Order mailed to Plaintiff at his last known address was
21 returned to the Court on September 19, 2011, marked "not at Pierce County Jail." ECF No. 8.
22 To date, Plaintiff has not provided the Court with a current address.
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24 Plaintiff has filed a motion to appoint counsel. ECF No. 4. While this motion would
25 normally be ripe for review at this time, the Court does not intend to allow this case to go
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1 forward until the issues noted in the Order to Amend or Show Cause (ECF No. 7) have been
2 resolved.

3 Accordingly, the Clerk shall **strike** the noting date of Plaintiff's motion to appoint
4 counsel (ECF No. 4). Plaintiff may re-file this motion after he has responded to the Court's
5 Order to Amend or Show Cause (ECF No. 7). The Clerk is directed to send copies of this Order
6 to Plaintiff.
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9 **DATED** this 18th day of October, 2011.

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12 Karen L. Strombom
13 United States Magistrate Judge
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